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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,473	01/03/2001	Christophe Fletout	526801-31PCON	1823

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THOMAS LANGER, ESQ.
COHEN PONTANI LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

LEE, DIANE I

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,473

Applicant(s)

FLETOUT ET AL.

Examiner

D. I. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 09 July 2003
2. Receipt is also acknowledged of the Supplemental Amendment file 15 November 2003.

Currently, claims 6 and 9-11 are pending in the application.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 August 2003 has been entered.

Additional Comment(s)

4. It is noted that, in the previous Office Action, the examiner has applied a narrow interpretation to the following limitations:

(a) in claims 6 and 10 (i.e., "*wherein the conductive track has a plurality of perforation in which portions of the insulating layer are received*" in claim 6, lines 3+ and "*wherein said conductive track comprises as strips in which portions of the insulating layer are received*" in claim 10, lines 4+).

Upon careful consideration of the specific limitation, i.e., the limitation of *a plurality of perforation in which portions of the insulating layer are received*, the examiner now apply a broader interpretation of the claims 6 and 10 as

-- a plurality of perforation in which portions of the insulating layer (sections of the insulating layer) are received (i.e., met or greeted, for example, the sections of the insulating layer are come into contact with the perforation sections of the conductive track) --;

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(b) in claims 10 and 11, conductive track comprising *slots formed as strips* and *slots have an undulating outline*; the examiner now apply a broader interpretation of the claims 10 and 11 as

-- *conductive track comprising slots (i.e., narrow openings) formed having a shape of strip and slots (i.e., narrow openings) having a shape of an undulating outline--.*

Accordingly, a new ground of the rejection is now applied to the amended claims 6 and 10 (see the rejection below).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gloton et al. [US 5,569,879-referred as Gloton].

Gloton discloses a micromodule having an insulating layer (a metal strip 10); and

a conductive track (i.e., a dielectric strip 11) disposed on the insulating layer 10, wherein the conductive track has a plurality of perforations (an array of predetermined formations perforations, such

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as circular holes p1-p8 and an indexing hole I, see figure 2 for example) receiving the portions of the insulating layer therein (the fact that hot bonding operation of the two layers, i.e., the insulating layer and the conductive track layer enables the perforations of the conductive track to face the portion of the insulating layer so that the two layers/strips would cohere to each other) (see col. 3, lines 51+; col. 6, lines 45+ and figures 6-7).

Although Gloton does not explicitly teaches that the conductive track forming an antenna, in other variation and/or an alternative embodiment of his invention, Gloton teaches the micromodule constituting an identification label/tag or a chip card working in microwave applications. The dielectric strip 11 would constitute an electromagnetic antenna (see col. 7, lines 30+ and figures 8-9).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to apply the teaching of Gloton in an identification label/tag or a chip card working in microwave application where the dielectric strip constitutes as an antenna in order to obtain a low-cost card with an embedded antenna therein so that the card can be used as an identification device with wireless communication capability, i.e., transmitting and receiving the data to/from the terminal for remote identification and validation of the card holder.

Re claim 10: Although the conductive track comprises slots (i.e., narrow openings) each formed as a circular shape of opening in which portions of the insulating layer are received, Gloton does not explicitly show the specific claimed shape or formation, i.e., slots formed as strips.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the formation of the slot to have different shape (c.g., a shape of rectangular or strip, square, or undulating outline) so long as the conductive track (i.e., a dielectric strip 11) disposed on the insulating layer 10 receives the portions of the insulating layer via the plurality of perforations. Accordingly, such modification would have been an obvious variation in the formation of the perforation. Therefore, it would have been an obvious extension taught by Gloton.

Response to Arguments

8. Applicant's arguments with respect to claims 6-9 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant argued with respect to Gloton reference that Gloton no portion of dielectric strip (i.e., insulator 11) is received within slot 102 and that Gloton is totally devoid of any disclosure, teaching or even hint of having any portion of insulator 11 protrude into slot 102 on Response page 3, lines 9+. The Examiner believes that the Applicant misinterprets the claim rejection. Gloton discloses a micromodule having an insulating layer (a metal strip 10); and a conductive track (i.e., a dielectric strip 11) disposed on the insulating layer 10. The conductive track has a plurality of perforations (an array of predetermined formations perforations, such as circular holes p1-p8 and an indexing hole I) receiving the portions of the insulating layer (i.e., the conductive zones 3 of the insulating layer 11) therein (the fact that hot bonding operation of the two layers, i.e., the insulating layer and the conductive track layer enables the perforations of the conductive track to face the portion of the insulating layer so that the two layers/strips would cohere to each other, see the discussion above).

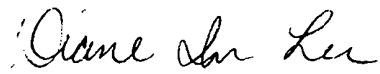
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lec whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lec can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in cursive script, appearing to read "Diane Lee".

D. I. Lee
Primary Examiner
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D. L.